IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIRST DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 7061 of 1995

Between:

1.Jaspal Singh S/o Dayal Singh,

Nizamabad, Vehicle No.AP25/T, 317, A.P 25/T 117 and AP 25/T 1417

2. G.A.Road Rarriers rep. By Jaspal Singh

Nizamabad – vehicle Nos.A.P.25/T 117, AP 25/T 917 and AP 25/T 1617

3. Jagpal Singh S/o.DayalSingh

Nizamabad – vehicle Nos.AP 25/T 617, AP 25/T 2017

4. Jasmer Singh S/o Subadarsingh,

Nizamabad – Vehicle Nos. AP25/T 817

5. Jagjit Singh S/o Dayal Singh

Nizamabad – Vehicle Nos. AP 25/T 1317, AP 25/T 3017

6. Gurdip Singh S/o Waryam Singh

Nizamabad – Vehicle Nos. AP 25/T 1917

..... PETITIONER

AND

1. Government of A.P. rep. By its Secretary,

Transport Roads & Buildings (Tr.II) Dept., Secretariat,

Hyderabad

2. Transport Commissioner, A.P. Hyderabad

3. The Secretary, Regional Transport Authority, Nizamabad,

Nizamabad District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus declaring G.O.Ms.No.97 Transport R & B (Tr.II) Department dated 21-5-1993 in so far as it relates to enhancement of compounding fee in the petitioners goods vehicles bearing Registration Nos. mentioned in the cause-title given above, as illegal, arbitrary, violative of Rule 217(2) of M.V. Rules and consequently direct the respondents not to collect the enhanced rates of compound fee under the G.O.Ms.No.97 dated 21-5-1993 and pass such other or further orders as this Hon'ble Court may deem it fit and proper in the circumstances of the case.

Counsel for the Petitioners: MR.B.CHANDRA SHEKHAR (Not present)

Counsel for the Respondents.: GP FOR TRANSPORT

The Court made the following order:

ORAL ORDER:

G.O.Ms.No.97 dated 21-5-1993 issued by the 1st respondent empowering the respondents 2 and 3 to collect compounding fee under the provisions of the Motor Vehicles Act, 1989 is challenged in this writ petition.

When the matter came up today for hearing, none appears for the petitioners.

However, it is represented by the learned Government Pleader for Transport that in view of the G.O.Ms.No.69 dated 16-5-2001 issued by the Government, no cause of action survives in the present writ petition. Therefore, the writ petition is dismissed as having become infructuous. No costs.

N.V. RAMANA, J

Date: 1-10-2004

asp

To

1. The Secretary to Government, Govt. of Andhra Pradesh

Transport Roads & Buildings (Tr.II) Dept., Secretariat,

Hyderabad

2. Transport Commissioner, Andhra Pradesh, Hyderabad

3. The Secretary, Regional Transport Authority, Nizamabad,

Nizamabad District.

4. Two C.Cs. to the G.P. for Transport, High Court of A.P, Hyderabad (OUT)

5. Two C.D. copies